

UNDERWOOD ET AL. - 10/712,091
Client/Matter: 007287-0306844

REMARKS

Claims 1-19, 23, and 25-28 are pending. By this Amendment, claims 20-22 and 24 are canceled without prejudice or disclaimer; claims 1, 7, 11, 16 and 19 are amended; and claims 25-28 are added. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Claims 1-3, 5-7, 11, 15, 16, 18-22, and 24 were rejected under 35 U.S.C. §102(b) over Baermann (U.S. Patent 4,055,824). The rejection is respectfully traversed.

Claim 1 recites a switchable magnetic device including, *inter alia*, first and second magnets being diametrically polarised, to define north and south pole regions of each permanent magnet each extending throughout the length of each permanent magnet.

As disclosed, for example, on page 4, lines 3-7 and page 10, lines 10-13, and as shown for example in Figure 1, the first and second permanent magnets of claim 1 are diametrically polarised. As defined in claim 1 and as shown in Figure 1, the north and south pole regions of each of the first and second permanent magnets extend through the length of the magnet.

Baermann '824 does not disclose diametrically polarised first and second permanent magnets as recited in claim 1. As disclosed in column 2, lines 23-27, the two permanent magnets of Baermann '824 are magnetized in the direction of their smallest thickness. The magnets do not include north and south pole regions that extend through the length of the magnet. The permanent magnets of Baermann '824 are instead magnetized through their length, i.e., the magnets have a north pole at one end of the magnet and a south pole at the other end of the magnet.

As disclosed in column 3, lines 63-68, the permanent magnets are so magnetized that they each have two pole pairs, the polarity of which alternates in the axial (i.e. length) direction. As further disclosed in column 4, lines 1-4, where a south pole and north pole,

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respectively, situated on the pole faces 5 and 5a of the permanent magnets, the respective opposite pole is provided on the pole face 6 and 6a. In other words, as shown in Fig. 1 of Baermann '824, the plane surface 5a has a north pole. The plane surface 6a is therefore a south pole. The pole regions of Baermann '824 clearly do not extend through the length of the permanent magnets, as recited in claim 1. Accordingly, Baermann can not anticipate claim 1.

Claims 3, 5-7, 11, 15, 16, 18 and 19, and new claims 25-28, recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) over Baermann '824 are respectfully requested.

Claims 1, 4, and 7-14 are rejected under 35 U.S.C. §102(b) over Baermann (U.S. Patent 4,419,644). The rejection is respectfully traversed.

Baermann '644 does not disclose or suggest first and second permanent magnets that are diametrically polarised as recited in claim 1. As clearly shown, for example, in Fig. 1 of Baermann '644, the magnets 7 and 10 are magnetized in the direction of their smallest dimension or thickness, and do not include north and south pole regions that extend through the length of the magnets. Accordingly, Baermann '644 can not anticipate claim 1.

Claims 4 and 7-14, and new claims 25-28, recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) over Baermann '644 are respectfully requested.

Claims 17 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baermann '824.

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The Office Action asserts that it would have been an obvious design choice to construct the housing Baermann '824 from soft steel, iron or a permalloy and to use rare earth permanent magnets. However, no suggestion in the prior art has been shown for making such a design choice. Further, as the magnetic assemblies of the claims and of Baermann '824 do not include diametrically polarised first and second permanent magnets, such a design, even if suggested, would not result in the claimed invention.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) over Baermann '824 are respectfully requested.

It is respectfully submitted that the claims are in condition for allowance and the application should be allowed. Should further issues require resolution prior to allowance, the Examiner is requested to telephone the undersigned.

Please charge any fees associated with the submission of this paper to Deposit Account No.03-3975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

John P. Darling
JOHN P. DARLING
Reg. No. 34494
Tel. No. 703.905.2045
Fax No. 703.905.2500

Date: April 12, 2005
P.O. Box 10500
McLean, VA 22102
(703) 905-2000